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I. GEOGRAPHIC, DEMOGRAPHIC AND ECONOMIC DATA

A. Physical environment

1. The Republic of Guinea is situated in the northern half of the African continent between the seventh and thirteenth parallels, halfway between the Equator and the Tropic of Cancer. It is 245,857 km² in area and has a population density of 24 inhabitants per km². It is very hilly. It has an Atlantic seaboard of 300 km to the west and borders Guinea-Bissau to the north-west, Senegal and Mali to the north and north-east, Côte d'Ivoire to the east, and Liberia and Sierra Leone to the south.

2. Guinea is divided into four natural regions: Basse-Guinée, Moyenne-Guinée, Haute-Guinée and Guinée-Forestière.

(a) Basse-Guinée: a region of marshy plains and alluvial deposits brought down by rivers flowing from Fouta-Djallon, it occupies slightly less than 20 per cent of the total land area and contains slightly over 39 per cent of the national population. The region's population went up from 1,602,666 inhabitants in 1983 to 2,272,000 in 1990 - an increase of 669,334. Its climate is influenced both by the sea and by the harmattan, which blows periodically from the interior of the continent;

(b) Moyenne-Guinée: covering an area of 81,952 km² (one third of the total land area), this region consists of a series of plateaux generally rising to over 700 metres in height, the highest being Mount Loura (1,615 m). Wooded savannah, sporadic forests and gallery-forests are the chief physiological characteristics of this region. Cultivable land is used for the production of fonio, rice, groundnuts, mangoes and néré.

(c) Haute-Guinée: this is a huge savannah (varying in altitude between 200 and 400 m) which, apart from the alluvial plains, offers few agricultural possibilities. The region is traversed by a number of large rivers but is threatened by desertification.

(d) Guinée-Forestière: this region owes its name to its dense, luxuriant forests, which are a continuation of the forests of Côte d'Ivoire. The highest point is Mount Nimba (1,752 m). It receives copious rainfall and enjoys a subtropical climate comprising two seasons: a rainy season, which lasts about eight months, and a dry season.

B. Demography and economy

3. In 1996, the population of Guinea was estimated at 7,164,893, with an average growth rate of 3.2 per cent. Seventy per cent of its inhabitants live in rural areas; the remaining 30 per cent forming the urban population live mostly in Conakry, the capital. The total male population is 3,496,220; the female population is 3,668,673. Regional distribution of the population is as follows: Basse-Guinée, 2,560,011; Moyenne-Guinée, 1,645,959; Haute-Guinée, 1,404,106; Guinée-Forestière, 1,554,817. The population structure by age and sex was as follows in 1996: (a) under 15 years: males 46.5 per cent, females 45 per cent; (b) between 15 and 64 years: males 50 per cent, females 52 per cent; (c) 65 years or over: males 2.6 per cent, females 3 per cent.

4. The crude birth rate is estimated at 45.5 per 1,000 and each Guinean woman gives birth to an average of six children. The mortality rate is around 19 per 1,000 and the infant mortality rate was 148 per 1,000 in 1993. Average life expectancy is 44 years. The crude school enrolment rate is 28 per cent, the crude labour force participation rate 56 per cent, the illiteracy rate 74 per cent and the maternal mortality rate 5.6 per cent.

5. In 1995, the outstanding external public debt was US$ 2,773 million compared to US$ 2,627 million in 1994, which is mainly attributable to the increase in public borrowing. Calculated in terms of an annual average, inflation climbed to 5 per cent in 1997 compared to 3 per cent in 1996 and 5.3 per cent in 1995.

6. The gross domestic product (GDP) in 1997 was 4,358.81 billion Guinean francs, as against 3,969.92 billion in 1996. Per capita gross national product (GNP) was US$ 607 in 1996. The rate of growth of per capita GDP was 4.9 per cent in 1997 as against 4.6 per cent in 1996.

C. Ethnic groups and religions

7. Since 1958, censuses and estimates have no longer recorded the relative size of the ethnic groups that make up the population. This has been a deliberate policy on the part of the authorities in order to counteract tribalism and focus on overall ethnic and cultural integration. Distinct ethnic groups live in the different natural regions.

(a) In Moyenne-Guinée the Fulbe people are in the majority, followed by the Koniagui, the Bassari, the Badiaranke, the Foulacounda, the Diakhanke, the Tyapi, the Sarakolle, the Tukylor, the Limba, the Dan, and the Dialonke;

(b) In Haute-Guinée the Malinke people predominate, followed by the Fulbe, the Valunka, the Koranko, the Dialonke and the Koniagui;

(c) In Guinée-Forestière the main ethnic groups are the Guerze, the Toma, the Kissi, the Kono, the Manon, the Koniagui and the Kpelle.

(d) In Basse-Guinée the Susu people are in the majority, followed by the Baga, the Nalu, the Landuman, the Mikifore, the Mandeyeni and the Fulbe.

8. The religious faiths practised in Guinea are Islam, whose adherents account for approximately 80 per cent of the population, Christianity (15 per cent), and animism and other religions (5 per cent).

II. GENERAL POLITICAL STRUCTURE

9. The political history of Guinea has been marked by the following four main periods: (a) 2 October 1958 to 14 May 1982; (b) 14 May 1982 to 3 April 1984; (c) 3 April 1984 to 30 December 1990; and (d) from 30 December 1990.

A. The period from 2 October 1958 to 14 May 1982

10. Guinea's accession to national sovereignty on 2 October 1958 enabled it to acquire all the attributes of a State, including a Constitution which established the principle of the separation of powers. This Constitution which comprised 53 articles distributed under 12 titles, proclaimed in the preamble and Title X, the equality and solidarity of all citizens of the Republic of Guinea without distinction as to race, sex or religion, and their right to vote and to be elected in the conditions established by law. The democratic principle of the Republic of Guinea during this period was government of the people, by the people, for the people.

11. The executive: This was headed by the President of the Republic elected for a renewable seven-year term on the basis of universal suffrage and an absolute majority in the first ballot. The President was chief of the armed forces. He had to be at least 35 years of age. The regime of the time was presidential. The President of the Republic appointed and dismissed his ministers. He signed Government acts and directed the country's domestic and foreign policy.

12. The legislature: During this period there was a unicameral parliament whose members were elected for a term of five years. The National Assembly was the sole judge of the eligibility of its members and the legality of their election. It alone was empowered to pass laws with unlimited jurisdiction. The National Assembly managed the national accounts and determined how government action would be interpreted through the mass media.

13. The judiciary: The guiding principle of the judiciary was that justice was administered in the name of the people of Guinea and that the President of the Republic was the guarantor of judicial independence. In the exercise of their duties, judges acted solely on the basis of the law. Therefore, the judiciary in its capacity as the guardian of individual freedoms ensured respect for civil rights in line with the terms of the Organization of the Judiciary Act.

B. The period from 14 May 1982 to 3 April 1984

14. The inadequacy of the first Constitution to the needs of the State party and the pre-eminence of the party over the State in the name of political pre-eminence led to a systematic revision of that Constitution. By ending the hallowed principle of the separation of powers, the new Constitution proclaimed the advent of the one-party State, which sanctified the only party, the Parti Démocratique de Guinée, and placed it above the State and its institutions. Accordingly, this Constitution transformed the Republic of Guinea into the Revolutionary People's Republic of Guinea, whose guiding principle, unlike that of the first Constitution, was democratic centralism. This Constitution also established three powers: the executive, the legislature and the judiciary.

15. The executive: This was headed by the President of the Republic elected for a renewable seven-year term on the basis of direct and secret universal suffrage by an absolute majority of the registered electors. The President acted as commander of the armed forces, appointed members of the Government and defined their prerogatives. He embodied the unity of purpose of the one-party State and directed the country's domestic and foreign policy.

16. The legislature: The legislative body was the National People's Assembly. It made decisions on bills and all other matters laid before it. The procedure for elections, conditions of eligibility, the regime of ineligibilities and incompatibilities, the number of deputies and the duration of their term were all prescribed by law. The National People's Assembly was a unicameral body.

17. The judiciary: The President of the Republic was the guarantor of the independence of the judiciary. Justice was administered in the name of the Guinean people by people's judges. It was equitable, humane and free of charge. Judges were elected by Party authorities at all levels. In the exercise of their duties, judges acted solely on the basis of the law. The right to a defence was recognized for accused persons and unconvicted prisoners. Legal defence was mounted by people's lawyers appointed by Presidential decree on the basis of a proposal by the Ministry of Justice.

C. The period from 3 April 1984 to 30 December 1990

18. The advent of the Second Republic radically changed the political life of the country. On 3 April 1984, the army took control of public affairs and directed and guided national policy. The country led an extra-constitutional existence. Institutions nevertheless functioned on the basis of Ordinance No. 009/84 of 18 April 1984 which extended the validity of the laws and regulations in force on 3 April 1984, to the extent, of course, that these laws and regulations did not run counter to the aims of the new regime. The executive and the legislature were in the hands of the President of the Republic, who presided over the Military Committee of National Recovery.

19. One of the specific features of this period was the complete absence of a parliament, political parties or a constitution. However, the executive did function under the direction of the President of the Republic. A political organ called the Military Committee of National Recovery was established and functioned in parallel with the executive. This period also saw a number of far-reaching judicial reforms, which enabled the Guinean justice system to improve personnel training and adapt legislation to the new liberal policy.

20. At the same time the country prepared itself for the new constitutional era with more democratic institutions. It was in this context that the Constitution was overwhelmingly approved on 23 December 1990, adopted and promulgated by Decree No. 0250/PRG/SGG/90 of 30 December 1990. The promulgation of the Constitution opened up a new political perspective.

D. The period beginning on 30 December 1990

21. This period has heralded a more democratic socio-political and administrative system, with the new Constitution and the establishment of more democratic institutions and grass-roots organizations within the State. Its preamble stipulates that the Guinean people proclaim "their adherence to the ideals, principles, rights and obligations contained in the Charter of the United Nations, the Universal Declaration of Human Rights, the Charter of the Organization of African Unity and the African Charter on Human and Peoples' Rights". It establishes the structure and attribution of powers in the Republic of Guinea. It proclaims the "equality and solidarity of all citizens without distinction as to race, sex, origin, religion or opinion"; it solemnly affirms "its fundamental opposition to any regime based on dictatorship, injustice, corruption, nepotism or regionalism"; and it reaffirms "its determination to achieve, in unity and national reconciliation, a State based on the primacy of law and respect for the democratically established law". The Constitution stipulates that all beliefs shall be respected.

1. Sovereignty and the State

22. Article 1 of this Title establishes the principle of the unity, indivisibility and secular nature of the Guinean State. It proclaims the equality of all citizens before the law without distinction as to race, ethnic origin, sex, religion or opinion. Article 2 confers national sovereignty on the people, who exercise it through their elected representatives and by referendum, while articles 3 and 4 govern the conditions for the establishment, and the role, of the political parties, and provide for the prohibition and punishment of any act jeopardizing national unity.

2. Fundamental freedoms, duties and rights

23. This part of the Constitution is essentially based on the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights. It establishes certain obligations of the State vis-à-vis its citizens and the rights and duties that obtain between citizens. Article 6 stipulates that "the individual has the right to develop his personality freely. He has the right to life and physical integrity. No one shall be subjected to torture or cruel, inhuman or degrading punishment or treatment".

3. The President of the Republic

24. In 22 articles, this Title deals with conditions of eligibility, electoral procedure, appointment to office and cases in which challenges of the results of elections are admissible. The President of the Republic is elected by direct universal suffrage, with a five-year mandate renewable only once. He assumes office after being sworn in before the Supreme Court. Candidates for the Presidency must be of Guinean nationality, enjoy civil and political rights and be aged between 40 and 70. All candidates must be nominated by a legally constituted political party.

25. The President of the Republic sees to it that the Constitution is respected. He ensures the smooth operation of public services and the continuity of the State. He determines and conducts the nation's policy. He appoints ministers and defines their prerogatives, and he may delegate his powers to them. The President of the National Assembly replaces the President in the case of the latter's incapacitation; should he be unable to do so, the President is replaced by one of the Vice-Presidents of the National Assembly, in order of precedence. .is abeyance must be taken note of by the Supreme Court.

4. The National Assembly

26. Deputies are elected by direct universal suffrage for a term of five years, renewable save in the event of dissolution. To be eligible, a candidate must be nominated by a legally constituted political party. Conditions of eligibility and the regime of ineligibilities and incompatibilities are determined by an Organizational Act. The National Assembly meets in ordinary session twice a year.

5. Relations between the President of the Republic and the National Assembly

27. This Title determines the scope of the law and distinguishes it from the scope of regulations. It establishes the rules of procedure for the adoption of laws and the competence of the Supreme Court in settling any dispute between the Assembly and the President of the Republic on fundamental questions. The Constitution entitles the legislature to oversee the activities of the executive, and establishes the principle of the constitutionality of the laws and the legality of administrative acts.

6. The Judicial Power

28. The Constitution proclaims the independence of the judicial power exercised by the courts and tribunals, subordinates judges to the sole authority of the law and establishes the principle of the irremovability of judges. Ordinary judges are appointed by the President of the Republic, and senior judges are appointed on the recommendation of the Supreme Council of Justice. Membership of the Supreme Court is incompatible with any other public or private office, notably elective office. Supreme Court judges enjoy immunity from criminal jurisdiction except in the event of flagrancy.

7. The Supreme Court

29. The Supreme Court deals with cases of high treason by the President of the Republic and serious or ordinary offences committed by ministers that have been referred to it by the National Assembly. The members of the Supreme Court are elected by the National Assembly from among its members, at the beginning of each legislature. The Supreme Court is presided over by a judge elected by the General Assembly of the Supreme Court. Organizational Act No. L/91/009 of 23 December 1991 specifies the number of members of the Supreme Court in addition to its rules of procedure and the procedure governing cases brought before it.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

30. Act No. L/92/037/CTRN of 17 September 1992, which includes regulations pertaining to meetings, parades, processions and unlawful assemblies in public places and on public highways, controls the exercise of public freedoms and protects the right to property in anticipation of the political and social violence which threatened public order and social harmony immediately after the legalization of political parties.

31. In the absence of a national body specially entrusted with protecting and promoting human rights, the preparation of periodic reports with respect to the various human rights instruments falls within the competence of the Ministry of Foreign Affairs, assisted by the technical departments concerned.

32. Three non-governmental organizations active in the field of the protection and promotion of human rights have been approved, namely the Guinean Organization for the Defence of Human Rights (OGDDH), the Guinean Association for Human Rights (AGDH) and the Committee for the Defence of Civil Rights (CDC).

33. There is no court which is specifically competent to deal with human rights violations. Such violations come within the province of ordinary law and are dealt with by the courts in the same way as other offences.

34. Victims whose rights have been violated have the remedy of referring the matter to the courts. The compensation and rehabilitation schemes available to victims vary according to the nature of the offence committed against them. The judge evaluates the seriousness of the offence and imposes a penalty on the perpetrator in accordance with the law. However, accessory and pecuniary penalties may be awarded as compensation for material or moral harm.

35. According to the principle of monism, international legal instruments form an integral part of the domestic legal order. The Constitution simply protects the international commitments subscribed to by the Guinean State and places them above domestic law. Insofar as human rights are concerned, the provisions of the texts which make up the International Bill of Human Rights are covered by the various codes at the national level.

36. Accordingly, Title II of the Constitution is exclusively devoted to the fundamental freedoms, duties and rights of citizens. On the question of the limits to these rights, article 22 states that the limits are observed only when they are essential for the maintenance of public order and democracy.

37. Like all other agreements or treaties, lawfully approved or ratified international human rights instruments, upon publication, acquire a force superior to that of domestic legislation (article 79 of the Constitution).

38. Following their ratification and publication of the various human rights instruments, their provisions are incorporated into and take precedence over domestic legislation. They may be invoked before the courts or the administrative authorities and are directly applicable without having to be written into domestic legislation or administrative regulations.

IV. INFORMATION AND PUBLICITY

39. The Universal Declaration of Human Rights has been translated into the principal national languages of Guinea. These translations have been deposited with the Office of the High Commissioner for Human Rights in Geneva.

40. As far as outreach activities are concerned, the Universal Declaration of Human Rights has been posted in all public places to promote wider knowledge of its contents. Air time is set aside on television and radio for explanation of human rights instruments. The incorporation of human rights education into school and university curricula demonstrates the authorities' abiding concern with this topic.